

**REMARKS**

I. **Status of Claims**

Claims 1-36 and 41 are presently are pending. Claims 1, 17, 27, and 41 are amended to improve clarity. Support for the amendments may be found at least at page 3, lines 1-11 of the application. The amendments do not recite new matter.

II. **Claim Objections**

Claim 41 is objected to for failing to depend from an independent claim. Applicants hereby amend claim 41 to depend from claim 1, and respectfully request that the Examiner withdraw this objection.

III. **Rejections Under 35 U.S.C. § 103**

A. **Claims 1-22 and 24-26**

Claims 1-22 and 24-26 stand rejected under 35 U.S.C. § 103 as allegedly rendered obvious by Melchione et al. (US Patent No. 5,930,764) in view of Walker et al. (US Pub. No. 2008/0052225). Applicants respectfully traverses the rejection of these claims as amended.

The references, alone or in combination, do not teach or suggest, creating an unsolicited dead bank cards associated with an inactive deposit account and distributing those dead bank cards. On page 18 of the Final Office Action the Examiner suggests that “bank account” could be broadly interpreted to include loan accounts. Applicants amended claims 1, 17 and 27 to recite deposit account to clarify that the dead bank card is not associated with a loan/credit account as in Walker, but a deposit account.

Melchione describes a sales system that identifies sale leads for marketing campaigns.<sup>1</sup> The sales system includes an “electronic sales and service support system” for opening a bank

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<sup>1</sup> Melchoine, Abstract.

account for new or old customers.<sup>2</sup> Critically, after completing the process and opening the new account, the system distributes a new bank card to the account holder, if the account holder so elects.<sup>3</sup> The claimed invention, instead of opening a bank account and creating a bank card linked to a live bank account at the applicant's election, creates an unsolicited dead bank card associated with an inactive deposit account.

Further, Walker does not compensate for the deficiencies of Melchione because it describes a dead credit card associated with a credit account, not a dead bank card associated with an inactive deposit account. As explained in prior responses, in the financial world, credit is very different than deposit accounts.

Regarding independent claim 17, for the reasons stated above Melchione in view of Walker do not teach or suggest, "distributing a live credit card and an unsolicited dead bank card associated with an inactive deposit account to the customer if the application is approved and the customer is not an existing bank account holder." Applicants request that the Examiner withdraw the rejection of claim 17, and dependent claims 18-22 and 24-26.

#### B. Claims 27-32

Claims 27-32 stand rejected as allegedly rendered obvious by Jones et al. (US Pub. No. 2004/0117300) in view of Walker.<sup>4</sup> Applicants respectfully traverse this rejection of the claims as amended.

The combination of Jones and Walker suffers from *at least* a similar deficiency as the combination of Melchione and Walker: neither reference teaches or suggests "distributing a live

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<sup>2</sup> Melchoine, 44:10-20.

<sup>3</sup> Melchoine, 55:42-43.

<sup>4</sup> The Office Action indicates that the claims are rejected under 35 U.S.C. § 102(e), however since the rejection is presented in the form of a combination of two references, Applicants assume that the Examiner meant that the references qualify as § 102(e) prior art, but the basis of the rejection is § 103(a).

credit card and an unsolicited dead bank card associated with an inactive deposit account to the customer if the application is approved and the customer is not an existing bank account holder,” as recited in claim 27. Jones is related to a payment card processing system that allows a payment card to be used on two different payment networks.<sup>5</sup> Jones describes utilizing a “dual card,” which is, essentially, a single card that can be used a private label card and a bankcard, thus reducing the number of card a consumer has to carry.<sup>6</sup> Not surprisingly, part of the process is sending a user the “dual card.”<sup>7</sup> When the dual card is distributed, it is associated with a live credit account, and a live bank account as evidenced by the fact that the user applies for opts into the dual card.<sup>8</sup> Thus, as with Melchoine, the system in Jones must receive permission from a consumer before sending the card. As explained above, the claimed invention does not suffer from this limitation.

The Office Action recognizes the deficiencies of Jones, and instead cites Walker. However, as described above, Walker does not teach or suggest a dead bank card associated with an inactive deposit account. Thus, Applicants respectfully submit that claim 27 would not have been rendered obvious by Jones in view of Walker because the references, alone or in combination, do not teach or suggest each and every limitation of the claims. Accordingly, Applicants request that the Examiner withdraw the rejection of claim 27, and claims 28-32 *at least* in view of their dependency from an allowable base claim.

C.      **Claim 23**

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<sup>5</sup> Jones, par. [0002].

<sup>6</sup> Jones, par. [0008], [0022].

<sup>7</sup> Jones, Fig. 5A.

<sup>8</sup> Jones, par. [0027]

Claim 23 stands rejected as allegedly rendered obvious by Melchione in view of Walker and further in view of Strock et al. (US Pub. No. 2004/0122736).<sup>9</sup> Applicants respectfully traverse this rejection.

As Strock relates to a system and method for providing promotional rewards, it clearly does not compensate for the deficiencies of Melchione and Walker with regard to independent claim 1. Accordingly, claim 23 is at least patentable by virtue of its dependency from claim 1, and Applicants respectfully request that the Examiner withdraw the rejection of this claim.

**D. Claims 33-36**

Claims 33 – 36 stand rejected as allegedly rendered obvious by Jones in view of Walker and further in view of Strock.<sup>10</sup> Applicants respectfully traverse this rejection.

For the reasons noted above, Jones, Walker and Strock do not teach or suggest all of the limitations of claim 27, thus, claims 33-36 are *at least* patentable by virtue of their dependency from claim 27. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of these claims.

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<sup>9</sup> Page 13 of the Office Action indicates that claim 23 is rejected over Melchione in view of Strock, however, claim 13 is a dependent claim considered to include all of the limitations of claim 1, thus, any obviousness combination must include Walker.

<sup>10</sup> Page 15 of the Office Action indicates that claim 33-36 is rejected over Jones in view of Strock, however, claim 33-36 are dependent claim considered to include all of the limitations of claim 27, thus, any obviousness combination must include Walker.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Dated: June 21, 2010

Respectfully submitted,

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